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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,616	01/14/2004	Scott E. Maddox	IPP0103.US	6478

7590 11/04/2004

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EXAMINER	
PHAN, DAO LINDA	
ART UNIT	**PAPER NUMBER**
3662	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/758,616	MADDOX, SCOTT E.
	Examiner	Art Unit
	Dao L. Phan	3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 4, 6-11, 13, 15-17* is/are rejected.

7)☒ Claim(s) *3,5,12 and 14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Amendment received on 9/13/04 has been entered in this application.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6-7, 9-11, 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Marsh (Pat. No. 5,868,100).

Marsh teaches an animal containment system and a method of containing an animal within a defined area including a GPS receiver 30 for receiving satellite data, a memory 42 for storing a plurality of waypoints defining a boundary, a simulation circuit 46, and a processor 32 coupled with the GPS receiver and the simulation circuit, the processor 32 activating the simulation circuit at a distance from the boundary, dependent upon animal positional variables when the animal is within the boundary, the simulation being applied based on animal positional variables comprising at least one of a distance from the boundary (col 3, lines 42-46; col 5, lines 48-52), a speed of travel within the boundary, an acceleration of travel within the boundary, and a direction of travel within the boundary.

Marsh further teaches the processor which defines the boundary dependent upon the stored waypoints (col 3, lines 38-40).

4. Claims 1, 2, 4, 6, 9-11, 13, 15, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al (Pat. No. 6,232,880).

Anderson et al teach an animal containment system and a method of containing an animal within a defined area including a GPS receiver (col 14, line 25) for receiving satellite data, a memory (col 13, lines 27-31) for storing a plurality of waypoints defining a boundary, a simulation circuit (fig. 5), and a processor (fig. 5) coupled with the GPS receiver and the simulation circuit, the processor activating the simulation circuit at a distance from the boundary, dependent upon animal positional variables when the animal is within the boundary, the simulation being applied based on animal positional variables comprising at least one of a distance from the boundary (col 22, lines 3-18), a speed of travel within the boundary, an acceleration of travel within the boundary, and a direction of travel within the boundary.

Anderson et al further teach the animal positional variable which is an acceleration of travel within the boundary (fig. 5), and simulation circuit which is configured to apply the multiple simulation level (col 10, lines 27-58; lines 3-18).

5. Claims 1, 7-8, 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Girard et al (Pat. No. 5,949,350).

Girard et al teach an animal containment system and a method of containing an animal within a defined area including a GPS receiver 96 for receiving satellite data, a memory (100; col 12, lines 22-27) for storing a plurality of waypoints defining a boundary, a simulation circuit (col 9, lines 2-5), and a processor 100 coupled with the GPS receiver and the simulation circuit, the processor activating the simulation circuit at a distance from the boundary, dependent upon animal positional variables when the animal is within the boundary, the simulation being applied based on animal positional

variables comprising at least one of a distance from the boundary (col 14, line 64-col 15, line 20), a speed of travel within the boundary, an acceleration of travel within the boundary, and a direction of travel within the boundary..

Girard et al further teach the processor which defines the boundary dependent upon the stored waypoints (col 12, lines 22-27), and a DGPS receiver (col 5, lines 12+) for receiving differential signals.

6. Claims 3, 5, 12, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao L. Phan whose telephone number is (703)306-4167. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarcza Thomas can be reached on (703)306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAO PHAN
PATENT EXAMINER